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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/355,990	08/24/1999	TAKAYA NONOMURA	P341-9004	7195

7590 01/26/2005

Arent Fox Kintner Plotkin & Kahn PLLC
1050 Connecticut Avenue, N.W.
Suite 400
Washington, DC 20036-5339

EXAMINER

DESIR, JEAN WICEL

ART UNIT	PAPER NUMBER
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2614

DATE MAILED: 01/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/355,990

Applicant(s)

NONOMURA ET AL.

Examiner

Jean W. Désir

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 9/28/04, Supplemental Amendment.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 3-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 3-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 3-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yuen et al (US 6,477,705) in view of Willis (US 5,434,625).

Claim 3:

Yuen discloses:

"A digital television receiver", see Fig. 1, comprising:

"a receiver for receiving a digital television broadcast signal", see Fig. 1 items 10, 11;

"a first extractor for extracting broadcast video data contained in a digital television broadcast signal received by said receiver", see Fig. 1 item 13;

"a second extractor for extracting additional information data contained in the digital television broadcast signal received by said receiver" would have been obvious to an artisan at the time the invention was made, because it is well known to provide additional information data in television broadcast signal and for further processing the additional information data an artisan would have readily recognized that the additional information data would have to be decoded or extracted from the television broadcast

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signal; therefore, the claimed limitation would have been obvious to a person of ordinary skill in the art at the time the invention was made;

“an additional information video data outputter for outputting additional information video data based on the additional information data”, see Fig. 1 items 24, 30, 19,

“a first video compositor for compositing the broadcast video data and the additional information video data according to a first window signal and outputting digital video data”, see Fig. 1 item 19, Figs. 3, 9;

“a second video compositor for compositing the first compression video signal and second compression video signal according to a second window signal”, see Figs. 3, 9 items 42, 46, Fig. 1 item 19;

“and a monitor for displaying video pictures based upon an output of said second video compositor”, see Figs. 3, 9, Fig. 1 items 19, 20;

“a first selector ...; a second selector ...; a first video compressor; a second video compressor ...;” are not explicitly disclosed by Yuen. However, the structure of the claimed limitations is very well known in the art of compositing or combining video signals, as evidence see Willis at col. 3 line 63 to col. 4 line 13, col. 3 lines 34-62, see also Fig. 1(d). An artisan would be motivated to combine the references to arrive at the claimed invention, because Yuen teaches compositing or combining video signals (see Yuen at Fig. 1 items 19, 20, Figs. 3, 9) and Willis shows how the video data are selected and compressed to provide side-by-side (compositing) video pictures displayed

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on a monitor. Therefore, the claimed invention would have been obvious to a person of ordinary skill in the art at the time the invention was made.

Claim 4 is disclosed, see Yuen at col. 5 lines 20-30, 6 lines 18-32.

Claim 5 is disclosed, see Willis at Fig. 1(d), Yuen at Figs. 3, 9.

Claim 6 is disclosed, see Willis at col. 3 lines 25-63.

Claim 7 is disclosed, see Willis at Fig. 1(d), col. 3 lines 25-63, Yuen at Figs. 3, 9.

Claim 8 is disclosed, see Willis at col. 6 line 67 to col. 7 line 19.

Allowable Subject Matter

3. The indicated allowability of claims 3-8 is withdrawn. A new non-final rejection is presented above.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jean W. Désir whose telephone number is (703) 308 9571. The examiner can normally be reached on 5/4/9 - First Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Miller can be reached on (703) 305 4795. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JWD

Jan. 13, 05



JOHN MILLER
SENIOR ADVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600